

REMARKS

Reconsideration and allowance of the Application are respectfully requested. The following arguments and remarks address the various objections and rejections stated in the above-identified Official Action.

1. The entry of the Amendment of May 20, 2005 is noted.

2. The provisions of 35 U.S.C. 112, sixth paragraph are noted.

3. The current formality rejection of Claims 28-45 under 35 U.S.C. 112, sixth paragraph, at this point in the prosecution is improper in that it prevents Applicants from arguing it improper as a matter of right and/or amending as a matter of right to correct the alleged informality. The alleged informality did not arise from any amendment of Applicants. The rejected Claims were in the same form as filed. In this regard the imposition of a FINAL Rejection is premature and improper, and Applicants should have been afforded the opportunity to respond to such a rejection and amend, if deemed necessary, as a matter of right.

Further, the Examiner has rejected the means-plus-function Claims without considering the current law as to interpretation and examination of Claims in the means-plus-function format. In this regard these Claims stand rejected arbitrarily and capriciously pursuant to an erroneous finding of fact and an error of law. The efficacy of the rejection is not acknowledged.

This rejection is rendered moot at this time in view of the cancellation of Claims 28 – 45 from the Application at this time.

4. The provisions of 35 U.S.C. 102(b) are duly noted.

5. The rejection of Claims 21 and 28 under 35 U.S.C. 102(b) based upon Hey is rendered moot in that Claim 21 has been combined with Claim 22, which has been indicated as an allowable combination, and Claim 28 has been cancelled herein.

6. The rejection of Claim 38 under 35 U.S.C. 102(b) based upon Holmgren is rendered moot in that Claim 38 has been cancelled herein.

7. The provisions of 35 U.S.C. 103(a) are duly noted.

8. The rejection of Claims 1, 2 and 16 under 35 U.S.C. 103(a) based upon McLaughlin et al. in view of Holmgren is rendered moot in view of the cancellation of Claims 1 and 2 and combination with Claim 3, which has been indicated as an allowable claimed combination, and the amendment of dependent Claim 16 to depend from allowable Independent Claim 3 as presently presented. Since Claim 3, as amended herein, has been indicated as allowable subject matter, Claim 16, when dependent therefrom, is also allowable.

9. The rejection of Claims 17 and 18 under 35 U.S.C. 103(a) as unpatentable over McLaughlin et al., as modified by Holmgren and in view of Hey is rendered moot in view of the Amendment of Claim 17 to depend from allowable Claim 3.

10. The indication that Claims 3-15, 19, 20, and 22-27, are only objected to as being dependent upon a rejected base claim, and would be allowable if rewritten in independent form to include the limitations of the base claim and intervening claims, is appreciatively acknowledged. While it is submitted that the rejected base claims were shown to be allowable, the Examiner has persisted in rejecting Claims 1, 2, 16 – 18, 21, and 28 – 45. To secure the allowance of the subject matter that the Examiner has indicated as being allowable, the Claims have been amended as above summarized. The remaining Claims are all allowable as presently advised.

CONCLUSION

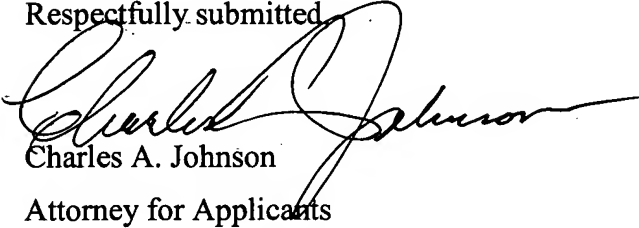
The various stated reasons for objection and rejection have been fully considered and addressed herein. Claims 3 – 21 and 22 – 27 remain in the Application, all of which have been indicated as being allowable with the amendments that have been made herein. Accordingly, entry of this Amendment and an early notification of Allowance are respectfully requested.

If it would be deemed advantageous by the Examiner to discuss any question, or to seek clarifications or understandings that would lead to disposition of this Application

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or clarification of the issues, the Examiner is invited to call the undersigned representative of Applicants at the telephone number listed below.

Respectfully submitted



Charles A. Johnson

Attorney for Applicants

Reg. No. 20,852

1448 90th Avenue
Amery, WI 54001

(651) 635-7702